### Overview

1. Obligations can only be imposed on individuals by sovereign to whom they transfer power to leave the state of nature. The sovereign remains outside the contract, and thus has no obligations. Three warrants

#### In agreeing to transfer our right of nature, we lay down our right to judge what is in our best interest

Hobbes 1651 Hobbes, Thomas. Leviathan: Or the Matter, Forme and Power of a Commonwealth, Ecclesiasticall and Civil. Vol. 21. Yale University Press, 1900. 1651.

**The only way to erect** such **a common power,** as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort as that by their own industry and by the fruits of the earth they may nourish themselves and live contentedly, **is to confer all their power and strength upon one** man, or upon one assembly of men, **that may reduce all their wills,** by plurality of voices, **unto one will**: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements to his judgement. This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: **I authorise and give up my right of governing myself to this man,** or to this assembly of men, **on this condition; that thou give up, thy right to him, and authorise all his actions** in like manner. This done, the multitude so united in one person is called a COMMONWEALTH; in Latin, CIVITAS. This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that mortal god to which we owe, under the immortal God, our peace and defence. For by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him that, by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad. And **in him consisteth the essence of the Commonwealth; which,** to define it, **is: one person, of whose acts** a great multitude, by mutual covenants one with another, **have made themselves every one the author, to the end he may use the** strength and **means of them all as he shall think expedient for their peace and** common **defence.**

Thus, the sovereign is not bound to any moral or political obligations since people give up their right to judge how to pursue their interests, so there can be no authorized sovereign of the sovereign to resolve claims it and the people and the sovereign since that results in infinite regress.

#### In the state of nature, justice and obligations do not exist, since each person has the right to judge for themselves the best course of action

Hobbes 1651 Hobbes, Thomas. Leviathan: Or the Matter, Forme and Power of a Commonwealth, Ecclesiasticall and Civil. Vol. 21. Yale University Press, 1900. 1651.

But because covenants of mutual trust, where there is a fear of not performance on either part (as hath been said in the former chapter), are invalid, though the original of justice be the making of covenants, yet **injustice** actually **there can be none till the cause of such fear be taken away; which, while men are in the natural condition of war, cannot be done.** Therefore **before the names of just and unjust can have place, there must be some coercive power to compel men equally to the performance of their covenants, by the terror of some punishment** greater than the benefit they expect by the breach of their covenant, and to make good that propriety which by mutual contract men acquire in recompense of the universal right they abandon: and **such power there is none before the erection of a Commonwealth.** And this is also to be gathered out of the ordinary definition of justice in the Schools, for they say thatjustice is the constant will of giving to every man his own. And therefore where there is no own, that is, no propriety, there is no injustice; and **where there is no coercive power** erected, that is, where there is no Commonwealth, there is no propriety, **all men having right to all things:** therefore where there is no Commonwealth, **there nothing is unjust.** So that the nature of justice consisteth in keeping of valid covenants, but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them: and then it is also that propriety begins.

The sovereign can still have cause of fear – no external actor unilaterally protects its interests, so it has no obligations since there is no one to impose obligations on them

#### For Hobbes there are two conditions for legitimate obligation: authorization and punishment.

Hobbes 1651 Hobbes, Thomas. Leviathan: Or the Matter, Forme and Power of a Commonwealth, Ecclesiasticall and Civil. Vol. 21. Yale University Press, 1900. 1651.

Right is laid aside, either by simply renouncing it, or by transferring it to another. By simply renouncing, when he cares not to whom the benefit thereof redoundeth. By transferring, when he intendeth the benefit thereof to some certain person or persons. And **when a man hath** in either manner abandoned or **granted away his right,** **then is he said to be obliged,** or bound, **not to hinder those to whom such right is granted,** or abandoned, from the benefit of it: and that **he ought, and it is duty, not to make void that voluntary act of his own:** and that **such hindrance is injustice,** and injury, as being sine jure; the right being before renounced or transferred. So that injury or injustice, in the controversies of the world, is somewhat like to that which in the disputations of scholars is called absurdity. For as it is there called an absurdity to contradict what one maintained in the beginning; so in the world it is called injustice, and injury voluntarily to undo that which from the beginning he had voluntarily done. The way by which a man either simply renounceth or transferreth his right is a declaration, or signification, by some voluntary and sufficient sign, or signs, that he doth so renounce or transfer, or hath so renounced or transferred the same, to him that accepteth it. And these signs are either words only, or actions only; or, as it happeneth most often, both words and actions. And the same are **the bonds, by which men are** bound and **obliged:** bonds that **have their strength, not from their own nature** (for nothing is more easily broken than a man's word), **but from fear of some evil consequence upon the rupture.**

Thus, obligations only arise **after** contracting into a Commonwealth and transferring one's right of nature to the - the sovereign is not a contracting member of the contract since a) no one authorizes a constraint on it, and b) the sovereign does not fear punishment by an external actor that regulates it. Even so, their will decides what is law – so negate, the United States will never ban handguns.

Scher 15 Bill Scher, senior writer at Campaign for America's Future (An independent nonprofit new source focused on progressive issues), “Will Any Presidential Candidate Support Banning Handguns?”, OCTOBER 3, 2015, DDA

Politicians generally avoid proposing handgun bans because the position doesn’t fit into the frame of exempting “responsible gun owners” from new regulations. No one needs an assault rifle to hunt or to protect themselves. But plenty of Americans keep handguns thinking that it will protect them from harm. Politicians are loathe to advocate that the government “take their guns away.” However, the reality is, as physicist David Robert Grimes put it, “actually owning and using a firearm hugely increases the risk of being shot.” Of course, this is a political impossibility for the foreseeable future. The current Republican Congress won’t even pass an expansion of background checks, and a previous Republican Congress allowed the Clinton-era assault weapons ban to expire. A handgun ban also could run afoul of the Supreme Court, as it is currently constituted.

### 2nr

1. The aff begs the question – even if the sovereign’s power allows obligations to exist, you need reasons *they must care* about obligations – I prove they don’t
2. fallacy of origin – deriving obligation from something doesn’t make it intrinsically good, otherwise we’d have contradictory obligations since lots of things are necessary to conceptualize morality. That means negate – the sovereign doesn’t want to ban handguns.

## Presumption & Permissibility Flow Neg [omitted]

## Case

#### T- Most people own handguns and would nullify strong gun control

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Impediments to More Gun Controls” 2004 Oxford Scholarship Online JW

U.S. federalism, a large and entrenched gun subculture, the lobbying strength of the NRA, and the widespread belief of millions of Americans that the Constitution guarantees their right to keep and bear arms pose major political obstacles to the passage of federal gun controls, other than those directed at punishing criminal use of guns. Beyond that, the fervent belief by a large percentage of gun owners that gun controllers ultimately intend to confiscate all personal firearms means that if any strong gun controls were enacted, they would encounter widespread noncompliance and resistance, including jury nullification. Since approximately 45% of American households contain a firearm, there is nearly a 100% chance that every 12-person jury will contain at least one gun owner, which is all that would be needed to prevent conviction.

#### Jury nullification collapses rule of law-it turns jurors into a legislative body.

Haynie 97 Erick Haynie (graduated from the University of Portland in 1995 and received his law degree in 1998 from Northwestern University in Chicago) “Populism, Free Speech, and the Rule of Law: The Fully Informed Jury Movement and its Implications” 88 J. Crim. L. and Criminology 343 (Fall 1997)

Rule of Law v. Rule of Men At the core of American constitutional jurisprudence is the notion that ours is a government of laws, not of men.84 Under the rule of law, citizen behavior is regulated not according to the passions and prejudices of human beings, but according to objective, published laws formally sanctioned by elected representatives through a pre-ordained process. As a federal judge sitting at criminal law aptly observed in 1941: Our American system represents the collective wisdom, the collective industry, the collective common sense of people who for centuries had been seeking freedom, freedom from the tyranny of government actuated or controlled by the personal whims and prejudices of kings and dictators. The result is a government founded on principles of reason and justice, a government of laws and not of men." Because nullification instructions give juries affirmative permission to ignore applicable legislative definitions of culpable conduct, such instructions undermine the rule of law. 6 This reality was explained long ago in the Supreme Court's landmark decision of Sparf and Hansen v. United States,8 7 which addressed the issue of jury nullification in the federal court system. Holding that it is the right and duty of the trial judge to instruct the jury to follow the law, the Court wrote that: Public and private safety alike would be in peril if the principle be established that juries in criminal cases may, of right, be told to disregard the law as expounded to them by the court, and become a law unto themselves. Under such a system, the principal function of the judge would be to preside and keep order while jurymen, untrained in the law, would determine questions affecting life, liberty, or property according to such legal principles as, in their judgement, were applicable to the particular case being tried.... We must hold firmly to the doctrine that in the courts of the United States it is the duty of juries in criminal cases to take the law from the court, and apply that law to the facts as they find them to be from the evidence.and The Ninth Circuit has criticized nullification arguments by counsel as violative of the rule of law in even stronger terms: If we... allow lawyers to appeal for jury nullification at will and indefinitely, and if we grant defendants a Sixth Amendment right to explain themselves in legally irrelevant terms-then we move to a "system" in which the loudest voice carries the day, in which the phrase "order in the court" literally has no meaning, and in which the rule of law has about as much force as the Cheshire Cat's grin. 89 Stated another way, the principal danger in giving juries an affirmative option to ignore the criminal law is that the jury is thereby transformed from a fact finding into a law-making body.90 In so doing, nullification instructions convert juries into junior varsity legislatures whose decisions undermine the impartial determination of justice based on published law.91 Thus, explicit nullification instructions would convey "an implied approval that runs the risk of degrading the legal structure below the level of integrity requisite for true freedom, for an ordered liberty that protects against anarchy as well as tyranny."9 2 By refusing to allow the nullification power to be explained to juries, courts better ensure that jurors use the nullification power sparingly, departing from the rule of law only where their own conscience naturally compels a veto of a judge's instructions.3

That turns the squo into the state of nature – without laws, the sovereign has no authority to establish their power – this outweighs the aff on scope – ability to make laws is a prerequisite to security within society.

#### T - Gun control causes Americans to buy more guns because they fear government intrusion which increases gun culture.

Esposito and Finley 14 Luigi Esposito (Associate Professor of Sociology and Criminology at Barry University) and Laura Finley (Assistant professor of Sociology and Criminology at Barry University) “Beyond Gun Control: Examining Neoliberalism, Pro-gun Politics and Gun Violence in the United States” Theory in Action, Vol. 7, No. 2, April (© 2014) <http://transformativestudies.org/wp-content/uploads/10.3798tia.1937-0237.14011.pdf> JW

NEOLIBERALISM AND THE SECOND AMENDMENT According to various commentators, the modem Second Amendment/Pro-gun Movement gained momentum in the mid-20th century as a backlash against the advances made by the Feminist and Civil Rights Movements (e.g., Burbick 2006; Connel 2005; Ansell 2001). Specifically, the Second Amendment became a tool to defend White male privilege against the threat of an activist government (what by the 1980s become widely known as the "nanny state") that supported feminist ideals and coddled racial minorities and other presumably "undeserving" groups. These fears, combined with laws such as the Gun Control Act of 1968, are also what, at least in part, prompted the radicalization of the National Rifle Association (NRA). Indeed, by the 1970s, the NRA "underwent a political revolution" and went from being primarily a sports organization to a far right pro-gun lobby (e.g., Melzer 2009). By the early 1980s, neoliberalism gained prominence under the Reagan administration. Interestingly, it was during the Reagan administration's neoliberal restructuring of the "American political, economic, and cultural landscape" that this country witnessed an increase in gun violence and especially a rise in mass shootings.5 As Reagan's neoliberal reforms gutted the welfare state and the idea of self-reliance became promulgated as synonymous with a free society, success became increasingly "defined in terms of power, economic attainment, and social status" (Klein 2012, p. 156). All these measures, according to various critics, promoted an apathetic society where social bonds became increasingly eroded and replaced by hedonistic materialism, rabid individualism, extreme competition, and narcissism (e.g., Klein 2012, see also Hall, Winlow, and Ancram 2005). To a large extent, this trend continues to this day. As has been widely documented, since the Reagan era, there has been a dismantling of community in favor of a hyperindividualized type of liberty in which the unrestrained pursuit of selfgain is valued over everything else (e.g., Giroux 2008; Esposito, 2011). In recent years, millions of Americans who embrace the neoliberal emphasis on individual liberty over everything else have become particularly suspicious about the U.S. government under President Obama. Because the president has, to some extent, shown more willingness than many previous presidents to deploy the power of the state to promote a variety of social and economic objectives-e.g., signing the Recovery Act, passing Healthcare Reform, strengthening the nation's safety net for the needy, etc.- millions of Americans regard this as a shift to "socialism." Consistent with neoliberal philosophy, a large segment of the American electorate believes that Obama's presumably interventionist policies signify the onset of a growing state apparatus (an unprecedented "big government") whose influence will gradually seep into every facet of social life and undermine personal liberty, self-reliance, and the free market. In short, millions of Americans believe that Obama's policies are paving the "road to serfdom" feared by Hayek (1944). In recent months, calls for tighter gun control among President Obama and other people in government (e.g., Senator Dianne Feinstein's proposal to re-instate a federal ban on assault weapons) have further reinforced fears of tyranny and government intrusion on Americans' "private lives."6 Stated simply, the Second Amendment, which is often regarded by the pro-gun/anti-gun control community as a requisite for freedom and the primary basis for all other individual rights, is believed by millions of Americans to be currently under attack. Even a cursory reading of some of the statements put out by the NRA and other pro-gun groups-particularly against President Obamaclearly reveals this sentiment. For example, in his recent book titled America Disarmed, Wayne LaPierre (2011), CEO of the NRA, argues that President Obama is the most anti-Second Amendment president the country has ever seen. LaPierre associates the president's presumably anti-gun zealotry to allegations that Obama has been profoundly influenced by supporters of communism such as Frank Marshall Davis and other alleged sympathizers of totalitarian governments. LaPierre even suggests that Obama's own fatheran alleged "anti-Western Communist"- might have shaped his presumably fanatical anti-gun/anti-Second Amendment stance, as Obama Sr. "favored the kind of oppressive discriminatory government that almost necessarily requires a disarmed populace" (LaPierre, 2011, p. 265). Important to note is that this fear of tyranny promoted by LaPierre and the NRA in general has undoubtedly benefitted the gun industry. As Fang (2012) notes: Fear that the government will disallow guns has resulted in Americans flocking to stores to stock up on weapons-lots of them. From Alaska to Florida, gun sales across the country are going through the roof...In Tennessee, officials say gun purchases likely hit an all-time high. Walmart has reportedly run out of semiautomatic rifles in five states. Interestingly, the NRA itself benefits financially from gun and ammunition sales, a fact not widely known by the public. As suggested by Dreier (2013): On its website, the National Rifle Association claims that it is not affiliated with any firearm or ammunition manufacturers or with any businesses that deal in guns and ammunition. This is a lie, as a number of recent reports have documented. In fact, the NRA is primarily a front group for the nation's gun manufacturers. The NRA receives a dollar for every gun or package of ammunition sold at participating stores. Other NRA corporate fundraising initiatives also allow customers to make donations to the NRA at the time of purchase. Some, like Sturm, Roger & Co., even mandate contributions for every purchase. And, importantly, since these deals are part of the NRA's 501(c)4 affiliate, not its' 501(c)3 status, the funds can be spent on political advertisements and for lobbying for gun-friendly legislation (Fang, 2012). Sugarmann (2012), for example, notes that between 2005 and 2010, the NRA received somewhere between $19.8 and $52.6 million in contributions from corporate partners, most of which (74%) are gun or ammunitions manufacturers or producers of other shootingrelated products. Considering all this, the argument can be made that the fear tactics used by the NRA are consistent with what Naomi Klein describes in her book The Shock Doctrine: The Rise of Disaster Capitalism. Namely, by encouraging fear that "Obama will take our guns," the NRA manipulates public opinion to push a neoliberal agenda associated with de-regulation that benefits the gun industry. The NRA, of course, is not alone in promoting this sort of fear mongering. Similar arguments about Obama's and other politicians' proposed gun controls being an attempt to disarm Americans in an effort to institute a tyrannical "big government" have been made in recent months by various public officials, media pundits, and at anti-gun control rallies, which are overwhelmingly attended by White men.7 According to various writers, this fear of disarmament and tyranny are also typically racialized in that they are often expressions of "anxieties associated with White men's declining status" (Carlson, 2012, p. 1113). On this point, Tom Diaz, author of several books about the gun industry, recently noted the following in an interview: If you look at where these guns are sold, this is primarily a Red State phenomenon. People are driven by a fear of the other. NRA President Wayne LaPierre talks often in terms of race and ethnicity. The gun industry's consumers are afraid, the world is changing around them, and they think guns will protect their way of life (Winston & Graham, 2013). These fears, however, also go beyond a racial issue. Indeed, what is at stake, according to many gun supporters, is not simply a threat to White privilege and gun ownership but the future offreedom itself Referring to the alleged menace of gun control, Forbes magazine's Lawrence Hunter (2012) recently wrote: It's not really about the guns; it is about the government's ability to demand submission of the people. Gun control is part and parcel of the ongoing collectivist effort to eviscerate individual sovereignty and replace it with dependence upon and allegiance to the state. Another related narrative used among gun supporters to oppose gun controls is that such measures leave responsible, law abiding citizens without any viable means of protecting themselves against criminals and/or violent predators. Consistent with the neoliberal claim that government is inept, this common argument is predicated on the idea that the state (this includes the police and other law enforcement agencies) is inefficient and thus largely incapable of protecting citizens (see Carlson 2012). Disarming the public is thus akin to a proverbial "throwing the lambs to the wolves" scenario. This distrust of government, along with the fact that fear of crime in the U.S. is out of proportion to actual crime rates (e.g., Shelden, 2010), encourages an insistence among millions of Americans to want easy access to guns as a way to protect themselves, their families, and their property. This logic fits perfectly with (and is reinforced by) neoliberal ideology and its emphasis on private solutions to all problems. This same ideology is also what has encouraged and glamorized the sort of rugged individualism that is at the heart of pro-gun politics.

This turns and outweighs aff solvency: a) scope—even if individuals don’t have one means to dominate others, it strengthens their perception that they live in the state of nature, which enables future actions antithetical to the existence of a sovereign and b) magnitude—fear drives violence and vigilantism in societies, so the aff strengthens the root cause of the squo’s harms.

#### TURN-the aff increases cynicism towards the government which decreases the likelihood people will abide by any regulations.

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.

The demonization of average people who happen to own a gun lays the foundation for a massive increase in governmental intrusiveness in the lives of ordinary citizens. Firearm registration and owner licensing threatens long-standing Canadian liberties and freedoms. The type of gun control Canada has enacted is not consistent with many democratic principles and the protection of civil liberties. Nevertheless, Canada is spearheading a move in the United Nations to impose a similar regime of draconian restrictions around the world. Disarming the public greatly increases cynicism about government among much of the population and it diminishes their willingness to comply with other, future regulations that might even be more sensible. The sense of alienation grows with the severity of the restrictions and with the ineffectiveness of their result. Unfortunately, policy dictates that the current directions will continue and, more important, will not be examined critically. This last is a guarantee of the increase of that future alienation. It will only worsen as the mass media become slowly aware that their bias towards the banning of guns has been misdirected and begin shifting their attention to the large quantities of money that have been wasted in pursuit of a dream of social engineering that was doomed from the start. Only the United States has witnessed a dramatic drop in criminal violence over the past decade. The justice system in the United States differs in many ways from those in the Commonwealth but one of the important reasons for the drop in violent crime may be that responsible citizens are increasingly carrying concealed handguns (Lott 2000). In contrast, authorities in the PUBLIC POLICY SOURCES, NUMBER 71 The Failed Experiment 20 The Fraser Institute Commonwealth insist upon a monopoly of force. If the goal is deterring criminal violence, perhaps it is time for Commonwealth countries to encourage more individual self-reliance. Gun laws may not reduce violent crime but criminal violence causes gun laws—at least, well-publicized crimes do. The only winner in this drama is bureaucracy. The rest of us lose liberty as well as safety. It is an illusion that further tinkering with the law will protect the public since no law, no matter how restrictive, can protect us from people who decide to commit violent crimes. There have always been criminals, and there have always been deranged people. Murder has been illegal for thousands of years: we need only remember the saga of Cain and Abel. The mass media find gun crimes more newsworthy but multiple civilian murders by arson have historically claimed more lives than incidents involving firearms.

#### T - Plan pushes people to the illicit market where guns are cheaper and more available-increases gun use.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

Dixon expects the "fact that such guns are inaccurate and dangerous to the user will also act as a restraint to illegal gun production." [129] How much of a restraint may be open to doubt. While homemade guns will not win target- shooting contests, target shooters will have their own guns (kept at shooting ranges under the Dixon proposal), and homemade guns may suffice for robbery purposes. And most homicides, like most robberies, are perpetrated at very close range where accuracy is not an issue. The risk that a homemade gun could explode in a shooter's hand may deter some otherwise law-abiding citizens who would want to own an illegal handgun for protection. On the other hand, if the person believes that the threats to his or her life and family are serious enough to commit the serious crime of buying an illegal handgun, the additional risk posed by potentially defective handgun may seem small. In addition, newfound popularity for bootleg guns might result in handguns becoming cheaper than they are now, just as in alcohol prohibition days, bootleg gin often cost less than legal alcohol had. If handguns were cheaper, they might become more available to small-time teenage criminals and other low-end miscreants; criminals might end up more widely armed than ever before. The inevitable [illicit] black market in homemade and imported illegal handguns would provide a major new revenue source to organized crime. As the black market in alcohol helped create and enrich organized crime in the United States, the new black market in handguns would fund and strengthen organized crime all the more. Dixon also acknowledges that illegal handguns would also flow in across American borders. [130] Indeed, if small handguns were imported in the same physical volume as marijuana, 20 million would enter the country annually. (Current legal demand for new handguns is about 2.5 million a year). [131)

Any risk people go to illicit markets outweighs the aff – a. noncompliance with laws is a stronger link under your standard, since it instantiates refusal to leave the state of nature, b. there are no gun regulations with illicit markets – since the sovereign can’t crack down on it, there’s greater risk it will be used to take down the sovereign’s power, c. illicit markets are the literal state of nature since they’re outside the realm of government authority, which outweighs since there are still entitlements people have against others in a society with guns, but individuals can assert their will in any way over others outside of government power

#### T - Gun control is unenforceable- people can make them with computers.

Rosenwald 13 Michael S. (reporter) “Weapons made with 3-D printers could test gun-control efforts” February 18th 2013 The Washington Post <https://www.washingtonpost.com/local/weapons-made-with-3-d-printers-could-test-gun-control-efforts/2013/02/18/9ad8b45e-779b-11e2-95e4-6148e45d7adb_story.html?hpid=z1> JW

[Brackets in original] Three-dimensional printers offer a potentially easy way around restrictions and registrations — a source of growing consternation among gun-control advocates and some allies in Congress. “There’s really no one controlling what you do in your own home,” Lerol said. Though printing guns is a craft still in its infancy — Lerol hasn’t tested his parts yet at a gun range — technology experts, gun rights proponents and gun safety advocates say the specter of printable firearms and ammunition magazines poses a challenge for Obama and lawmakers as they craft sweeping gun-control legislation. One controversial idea, pushed by Sen. Dianne Feinstein (D-Calif.), is to outlaw high-capacity magazines. But some proponents of 3-D printed guns have already made high-grade plastic replicas. “Obviously, that has to be one of her nightmares,” said Larry Pratt, executive director of Gun Owners of America, a lobbying group opposed to additional restrictions. “If her ban was to pass and this technology moves beyond its infancy, Dianne Feinstein is going to have a bit of a challenge.” Feinstein’s proposed legislation, which would also ban AR-15s, restricts manufacturing of such items by anyone in the country, said a spokesman for the senator. But 3D-printing experts say that logic is dated and misses the point of the technology. Making guns for personal use has been legal for decades, but doing so has required machining know-how and a variety of parts. With 3-D printers, users download blueprints from the Internet, feed them into the machine, wait several hours and voila. “Restrictions are difficult to enforce in a world where anybody can make anything,” said Hod Lipson, a 3-D printing expert at Cornell University and co-author of the new book, “Fabricated: The New World of 3D Printing.” “Talking about old-fashioned control will be very ineffective.” It is unclear how many people are trying to print their own gun parts and magazines. But Cody Wilson, a University of Texas law student who is leading the ideological and technical campaign for 3-D printed guns through an organization called Defense Distributed, said blueprints have been downloaded hundreds of thousands of times from his group’s Web site. “People all over the world are downloading this stuff all the time — way more people than actually have 3-D printers,” he said. “This is hot stuff on the Internet now.” Wilson and a friend founded Defense Distributed last February while looking for a “post-political” project to challenge governmental scrutiny and regulations. He speaks of “prohibitionist regimes” and anarchistic urges and challenging “democratic control.” Though he shot guns as a Boy Scout, Wilson doesn’t consider himself a gun person. He doesn’t consider himself a tech geek either. His motivations, he said, are ideological and go way beyond the Second Amendment. “This is a symbolic challenge to a system that says we can see everything, regulate everything,” he said. “I say, ‘Oh really?’ My challenge is: Regulate this. I hope with that challenge we create such an insurmountable problem that the mere effort of trying to regulate this explodes any regulatory regime.” Wilson’s group has posted several videos to YouTube of AR-15s firing rounds with 3-D printed high-capacity magazines and lower receivers, the part that includes the firing mechanism and is the only regulated portion of the gun if it’s bought over the counter. Wilson’s parts are made from high-grade polymer and retrofitted to the bodies of existing weapons. The receivers are made able to fire by adding over-the-counter springs, pins and a trigger. In one recent video, Wilson fires dozens of rounds from an M-16 using a 3-D printed high-capacity magazine. “How’s that national conversation going?” he asks. Defense Distributed also runs a Web site called Defcad, where anyone can download gun designs and trade tips. The other day, a user posted this question to a discussion board on the site: “I know nothing of 3d printers. I can tell there are a few different types of materials to print and some appear to be easier to break than others. What printer and material is the best for printing a receiver and mags?” Lerol, working in his spare bedroom, is using a $1,300 machine called the Cube, which is made by a division of 3D Systems, a large publicly traded manufacturer of consumer and industrial 3-D printing machines. The cheaper, consumer versions of 3-D printers like the one Lerol uses are only capable of printing with plastics, while more expensive, industrial-scale machines can print sturdier materials such as high-grade polymers. Experts expect printer prices to fall as part of the normal technology curve. (Think about the price of flat screen TVs five years ago. Or a computer two decades ago.) And that makes Lipson, the Cornell expert, nervous because cheaper machines could help people make cheap guns for one-time use. “The threat is not of 3-D printing military-grade weapon components from standard blueprints on industrial 3-D printers,” Lipson said. “The challenge is that [do-it-yourself] 3D printers can be used by anyone to print rogue, disposable and shoddy guns that could be used to fire a few rounds, then be recycled into a flower vase.” Though Lerol acknowledges how easy these machines make it to get around regulations, his motivations, he said, are benign. He is a tinkerer, he likes guns and he likes messing around the house. He insists he has no interest in flouting whatever restrictions might win approval, but gun-control advocates and some legislators worry that not everyone’s motivations will be so pure. “It’s not necessarily the technology, it’s the ideology,” said Joshua Horwitz, the executive director of Coalition to Stop Gun Violence. “If this insurrectionist philosophy was to gain traction, people will normalize this behavior.”

#### Outweighs:

A) strength of link- even if they win status quo regulations are bad, I prove the plan decreases the amount of regulations by fostering an anti-regulatory sentiment among citizens.

B) magnitude-the guns are cheaper, easier to access, and can be made by anyone with internet which magnifies all the aff impacts

#### T - Handgun ban incentivizes criminals to switch to deadlier weapons—substantially increases murder rates.

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If handguns were [banned] somehow removed from the hands of malfeasants, would the death toll actually increase? Some gun misusers would switch to knives (not much less deadly than small handguns), while others would switch to rifles and shotguns (much more likely to kill than handguns). If enough misusers switched from handguns to long guns, the death toll might therefore increase, or so the "substitution argument" goes. Dixon confronts the substitution argument carefully, and provides one of the most comprehensive critiques of substitution theory ever offered by a handgun prohibitionist. \*327 Dixon is right to take the substitution argument seriously. While handgun wounds are usually survivable, especially if the victim gets medical attention quickly, shotgun blasts at close range are much more likely to be fatal. The shotgun fires a large slug, or from six to more than sixty pellets, with one trigger squeeze. A single shotgun pellet, because it may be of a diameter equal to a small handgun bullet, can inflict nearly as much damage as a small handgun bullet. [177] Wound ballistics and firearms experts concur that at short range, a shotgun is by far the deadliest weapon. [178] Anti-prohibition writers such as David Hardy, Gary Kleck, and Don Kates have argued that a high level of substitution of long guns for handguns would occur in the case of a hypothetical American handgun ban. Dixon offers a careful rebuttal of their arguments, and concludes that (since he has placed the burden of proof on prohibition opponents) the case for a substitution effect has not been proven convincingly enough to overcome what he considers the strong evidence for handgun prohibition. Overlooked in the discussion of a substitution effect resulting from a hypothetical American handgun ban is non- hypothetical evidence from other countries. As Dixon showed earlier in his article, countries with more handguns per capita tend to have more handgun homicides per capita. [179] Switzerland, which has, by world standards, relatively lenient handgun laws, has more handgun homicides per capita than countries where handgun laws are tougher. [180] From the handgun density/handgun homicide correlation in Switzerland and other nations (as well as from other evidence detailed supra), Dixon concludes that handgun density strictly correlates with handgun homicide. [181] Let us \*328 assume that Dixon is right. In countries such as Australia and Canada, where handgun laws are much stricter than in Switzerland, the handgun homicide rate is lower than in Switzerland, but the total homicide rate is over 100 percent greater. [182] The reason cannot be that Australians and Canadians are more prone to want to kill somebody than the Swiss are - Dixon has explicitly assumed that human nature in developed countries is roughly similar everywhere. [183] So why then do Canada and Australia have more murders, even though they have stricter handgun laws, and fewer handgun murders? One plausible explanation is the substitution effect. A sufficiently large number of Australians and Canadians, unable to obtain handguns, do their shooting with rifles or shotguns; their victims die, whereas if they had been shot with handguns, many would have survived. Although some Australian and Canadian assailants, unable to obtain handguns, switched to less deadly weapons (such as clubs), the number of assailants who switched to rifles and shotguns was sufficiently large to increase the overall death toll. If we have plausible evidence to suggest that a substitution effect may have occurred in Australia and Canada, could a similar effect occur in the United States? [184] \*329 Dixon quotes research developed by Don Kates and Mark Benenson that if 30% of persons attempting homicide switched from handguns to long guns, while the other 70% switched to knives, total homicide would increase substantially. If 50% switched to long guns, the homicide rate could double, even if none of the persons switching to knives killed anyone. [185] A National Institute of Justice study of felons in state prisons found that 72% of the handgun criminals said they would switch to sawed-off shotguns if handguns became unavailable. [186] A 72% substitution rate would lead to an enormous multiplication of the current homicide rate, and Kleck expects that substitution would occur at about 70%. Dixon retorts that criminals are apt to be braggarts and liars, and might claim that nothing, including a handgun ban, could stop them from committing any crime they chose. Accordingly, the 72% substitution figure might be too high. True enough. But at the same time, at least some criminals may be highly suspicious and mistrustful of authority. Although the National Institute of Justice polling, conducted through written response to written questions, offered the respondents anonymity, some of the prisoners might have believed that their responses would not in fact be anonymous; the polling might be a "setup" to discern their plans after release, and provide a reason for denying parole. Thus, some handgun criminals might have falsely said that they would not substitute sawed-off shotguns for unavailable handguns. Do the number of braggart criminals who falsely said that they would use sawed-off shotguns outnumber the number of mistrustful criminals who falsely said they would not? It is difficult to say with certainty. But since 72% of the criminals said they would substitute, and since only 30% substitution is needed to increase substantially the homicide rate, there is a wide margin for error to assume that bragging criminals outnumber suspicious ones. Dixon critiques the Benenson and Kates estimate of a homicide rate increase because Benenson and Kates assumed that handgun users who did not switch to long guns would switch "downward" to the next most deadly weapon, knives. Almost certainly, some handgun users would, rather than using knives, turn to even less deadly weapons, such as fists, or would not attempt murder in the first place, absent a handgun. [187] But when calculating expected deaths resulting from substitution, Kates and Benenson assumed that none of the persons who switched to knives would kill anyone; in terms of resulting deaths, therefore, Kates and Benenson underestimated the \*330 deaths that would be caused by murderers who switched downward to less lethal weapons. Even assuming that none of the persons who switched down killed anyone, the homicide rate would double if half of the handgun-deprived criminals switched "up" to long guns. [188] Another tack taken by Dixon is to argue that high rates of substitution are unlikely because long guns are so inferior for most criminal purposes. He notes first of all that less than 10% of murders are currently perpetrated with long guns. [189] This is true, but, as Dixon strenuously argues, handguns are widely preferred as murder weapons, and widely available. Thus, it should not be surprising that more than 6 out of 7 gun murderers chose the "best" tool, a handgun. But what people choose when the "best" option is available does not prove how they would behave if only inferior options were available. Today, virtually all hard liquor drinkers consume the "best" hard liquor available - namely legally-produced hard liquor whose production is regulated by the government to guarantee standards of safety. Probably less than 5% of American hard liquor consumers drink bathtub gin, moonshine, and other home- brewed liquors whose safety cannot be guaranteed. Does the fact prove that very few liquor drinkers would, if legal liquor became unavailable, substitute home-brewed liquor? To the contrary, the experience of alcohol prohibition showed that a large percentage of liquor consumers, if unable to obtain safe, legal liquor, will switch to inferior, dangerous homemade liquor. [190] That murderers only rarely use long guns today does not prove that murders would eschew long guns if handguns were unavailable, any more than drinkers of legal liquor would eschew bathtub gin. [191] As another argument against substitution, Dixon points out that long guns are less concealable than handguns. Even when sawed off, a shotgun is still about 11 inches long, making it slightly larger than big handguns, and much larger than the small, low-caliber handguns which are frequently used in crime. Would sawed-off shotguns frequently be substituted in a \*331 robberies? Putting an 11 inch shotgun in one's front pocket would not be very effective concealment. On the other hand, sticking the shotgun in the inner pocket of a large coat or jacket would seem reasonably effective. Accordingly, it is plausible to infer that persons who execute planned robberies would substitute concealed shotguns. At the same time, criminals who simply carried handguns with them, and spontaneously perpetrated robberies when the opportunity arose, might not be able to carry concealed shotguns so frequently. Thus, impulsive handgun robberies would suffer less of a substitution effect than would planned robberies. Since casual carrying of firearms in general might decrease, so might the shootings that result from the casual insults and provocations that can occur on the street. Hence, it is reasonable to conclude that an effective handgun ban might prevent some shootings. But again, only a 30% substitution rate would be necessary for total homicides to rise substantially. What about in the home? It is the home, after all, rather than in robberies of stores, where the larger number of handgun homicides currently occur. Dixon argues that even in the home, the concealability of handguns is important. He asserts that substantial portion of the murders in 1989 involved "friends or acquaintances who may have been unaware that the person they are visiting is carrying a concealed weapon." [192] First of all, there is no evidence as to how many of those murderers actually were carrying a concealed weapon of which the victim was unaware. For the sake of argument, assume that all of the murders would have been prevented had handguns not been available; there is still a long way to go for the substitution ratio to be reduced below 30%, and thus not cause a net increase in homicides. Next, Dixon writes that "the ease of pulling out the [hand]gun and shooting makes such arguments far more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their [sic] long gun and loaded it, the potential victim has crucial seconds in which to escape." [193] Here, Dixon assumes that the domestic handgun murderers were carrying the handgun on their body, rather than storing the handgun in another room. He likewise assumes that the substituted long gun would be stored in "another room" rather than the room in which the argument was taking place. He further assumes that the handguns used in the domestic shootings were loaded, but the substituted long guns would not be loaded. All of these assumptions may be simultaneously true some of the time, thus making Dixon's escape scenario plausible in \*332 some instances. (Although not every potential victim would know that the potential murderer was loading a long gun in the other room, and even then, some might not run away.) [194] But it is highly speculative to assume that Dixon's scenario of the unloaded long gun in the other room replacing the loaded handgun carried on the person would be the predominant scenario. Even if we speculatively assume that the unloaded long gun scenario would transpire more than 50% of the time, all that is needed for an increase in the death rate is a 30% substitution rate. While Dixon argues convincingly that substitution would not be universal, the evidence easily supports the conclusion that substitution of long guns for handguns would occur in at least 30% of current handgun murder situations, thus leading to a substantial increase in total deaths.

Impacts. A. terminal defense to case – people access guns. B. Turns case – people have more dangerous weapons which instills more fear and mistrust. These weapons are also more visible so there’s open declaration of war against neighbors.

### A2 Monopoly on Force

#### Gun ownership does not remove from the state’s monopoly on force.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal of Applied Philosophy 28:2 pp. 235-249 2014 JW

But is McMahan right? I don't believe he is. For one thing, if the state's monopoly on force were merely a consequence of the police having an advantage in firepower over the populace then we would have to say that, in the United States at least, the state lost that monopoly a long time ago. While there are no exact figures on the number of firearms in private hands in the United States, official estimates put the figure at somewhere around 310 million34—the law enforcement community in the U.S. is without doubt 'outgunned' on any direct comparison of firepower. But the weight of the state's monopoly on force is as much, or more, a product of societal norms as it is of relative firepower. McMahan also misses the point that an ordinary law-abiding citizen who owns and perhaps employs a firearm in legitimate self-defense does not by virtue of doing so resort to 'vigilantism.' So long as said civilian acts within the law (which allows her the right to use force in self-defense under appropriate circumstances) she is in effect licensed by the state to use force in this manner, and is thereby acting as a proxy agent of the state in doing so. It is only if most gun owners act in opposition to the laws enacted by the state that the state's monopoly on force is threatened. But, pace McMahan, there is no reason to think that to be the case.

1. The government has larger guns and the ability to get more powerful weapons so individual’s don't undermine the existence of the state. Substitution also turns case – individuals have comparatively more power
2. The state *does* have a monopoly on violence – individuals can’t assault policemen or kill presidents, the possibility of a revolution is not offense for you